

JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

This case having been referred by the Honorable William H. Pauley, U.S.D.J., and the Court having examined the petition in this action pursuant to 28 U.S.C. § 2254, and the Court having concluded that the petition should not be summarily dismissed pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, it is

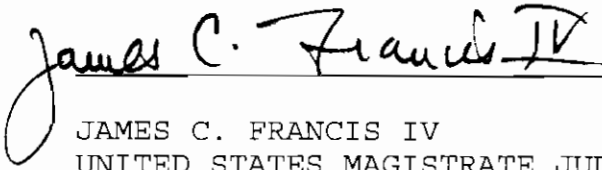
ORDERED, pursuant to Rule 4, that the respondent file the record of the parole proceedings and an answer or other pleading to the petition raising all available defenses no later than September 30, 2008; and it is further

ORDERED that the petitioner file any reply papers no later than October 31, 2008; and it is further

ORDERED, pursuant to Rule 4, that the Clerk of the Court serve copies of this Order, of the petition, and of the form for Consent to Proceed Before a United States Magistrate Judge by certified mail upon the Attorney General for the State of New York; and it is further

ORDERED that by the date that the answer is filed, respondent shall advise the undersigned whether the parties consent to refer this case to a United States Magistrate Judge for final disposition and, if so, shall return a fully executed copy of the enclosed consent form.

SO ORDERED.


JAMES C. FRANCIS IV
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York
July 31, 2008

Copies mailed this date:

Mr. Victor Davis
40 Croton Terrace, #2
Yonkers, New York 10701

